

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

VONDELERE B. WHITE,

Plaintiff,

vs.

CURTIS WHITE, JUDITH A. KING.,
and ERIN SCANLON,

Defendants.

:

:

Case No. 3:11cv300

:

JUDGE WALTER HERBERT RICE

:

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #3);
PLAINTIFF'S OBJECTIONS TO SAID JUDICIAL FILING (DOC. #5)
OVERRULED; CAPTIONED CAUSE ORDERED DISMISSED, WITHOUT
PREJUDICE, FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF
CAN BE GRANTED; TERMINATION ENTRY

Pursuant to the reasoning set forth by the United States Magistrate Judge, in his Report and Recommendations filed September 1, 2011 (Doc. #3), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in its entirety. The Plaintiff's Objections to said judicial filings (Doc. #5) are overruled.

In ruling as aforesaid, this Court makes the following, non-exclusive observations:

1. Primarily, this Court does not have jurisdiction to review domestic

relations matters arising out of state court. *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992). Accordingly, this Court is without authority to modify Plaintiff's divorce decree or to make any findings regarding the QDRO that the Montgomery County Court of Common Pleas, Domestic Relations Division, signed and allegedly vacated.

2. The fact that the Plaintiff has withdrawn her request for monetary relief against persons who have absolute judicial immunity, former Judge Judith A. King and Magistrate Erin Scanlon, does not afford this Court subject matter jurisdiction to review, modify or vacate the final order of a state domestic relations court.

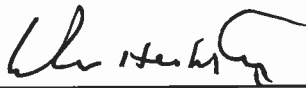
3. If in fact the QDRO was replaced by a plan administered under the ERISA Law, a matter given to the exclusive jurisdiction of the federal courts, Plaintiff's identification of a plan, plan administrator, etc., within the body of her objections, does not suffice. She will be given leave to file an amended complaint and, should she decide to do so, she must clearly indicate how she is being deprived of benefits from an ERISA plan, separate and distinct from the actions of the state domestic relations court over which this Court has no power to review.

WHEREFORE, based upon the aforesaid, this Court, in adopting the Report and Recommendations of the United States Magistrate Judge, dismisses the

captioned complaint, without prejudice, to the filing of an amended complaint, in conformity with this Court's ruling herein, not later than 30 days from date.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

September 21, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Parties of record